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THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION NO. 23164 OF 2005

DATED: 27-10-2005

Between

M/s. The Kakinada Co-operative Town Bank Ltd.,

11-3-6, Veterinary Hospital Street, Ramaraopet,

Kakinada, rep. by its Managing Director,

Sri I.N. Murthy.

..... PETITIONER

And

The Asst. Commissioner of Income Tax,

Circle 1, Kakinada and others.

..... RESPONDENT

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THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

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WRIT PETITION NO. 23164 OF 2005

ORDER: (per Sri B. Sudershan Reddy, J)

Heard the learned counsel for the petitioner and the learned senior counsel appearing for the Revenue and at their request, the matter is taken up for final disposal even at the admission stage. Rule nisi.

That as against the order dated 05-09-2005 passed by the Commissioner of Income Tax (Appeals), the 2nd respondent herein, the petitioner is stated to have preferred appeals before the Income Tax Appellate Tribunal, Visakhapatnam Bench on 03-10-2005, along with stay applications seeking stay of the impugned demands. It is stated that the appeals as well as the stay petitions could not be taken up for hearing by the Tribunal due to the reason that there is no quorum of the Bench to hear the mattes filed before it. It is under those circumstances, the petitioner invokes the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India

with a prayer to direct the respondents not to take coercive steps during the pendency of the stay applications filed by it.

Having regard to the fact that the petitioner preferred appeals as well as the stay petitions against the impugned demands, we consider it appropriate to direct either the Income Tax Appellate Tribunal, Visakhapatnam or the Tribunal at Hyderabad to dispose of the stay petitions filed by the petitioner as expeditiously as possible, preferably within three months from the date of receipt of a copy of this Order. It is needless to direct the respondents not to take any coercive steps as against the petitioner for realization of the demanded amount, until the disposal of the stay petitions by the Tribunal. There shall be an order accordingly.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

27..10..2005

(S. Ananda Reddy, J)

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Note: Furnish CC by tomorrow.

B/O

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